

Amendment No. 2 to HB2827

Todd
Signature of Sponsor

AMEND Senate Bill No. 2983

House Bill No. 2827*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-1-115, is amended by adding the following language as a new subsection (g):

(g)

(1) As used in this subsection,

(A) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

(B) "Vacant property" means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(2) If a person fails to remedy the condition on vacant property within the time period prescribed by subsection (c), subject to any stay as provided in subsection (d), a community organization shall be entitled to petition the county to enter upon such vacant property to remedy the conditions identified in subsection (b). Upon the filing of such a petition, the county is authorized to contract with such community organization for such purposes. The contract shall provide for the manner in which the community organization shall be compensated for remedying the conditions pursuant to such contract. Any

county that contracts with a community organization for such purposes shall be absolutely immune from any liability to any and all persons and for damage to the vacant property for conditions remedied by the community organization. No monetary liability and no cause of action of any nature shall arise against the county for acts of omission or commission of such community organization for conditions remedied pursuant to such contract.

SECTION 2. Tennessee Code Annotated, Section 5-1-115(e), is amended by adding the following language as a new subdivision (3):

(3) The provisions of this subsection (e) shall not apply to subsection (g).

SECTION 3. Tennessee Code Annotated, Section 6-54-113, is amended by adding the following language as a new subsection (h):

(h)

(1) As used in this subsection,

(A) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

(B) "Vacant property" means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(2) Except as provided in subsection (g), if a person fails to remedy the condition on vacant property within the time period prescribed by subsection (c), subject to any stay as provided in subsection (d), a community organization shall be entitled to petition the municipality to enter upon such vacant property to remedy the conditions identified in subsection (b). Upon the filing of such a petition, the municipality is authorized to contract with such community organization for such purposes. The contract shall provide for the manner in

which the community organization shall be compensated for remedying the conditions pursuant to such contract. Any municipality that contracts with a community organization for such purposes shall be absolutely immune from any liability to any and all persons and for damage to the vacant property for conditions remedied by the community organization. No monetary liability and no cause of action of any nature shall arise against the municipality for acts of omission or commission of such community organization for conditions remedied pursuant to such contract.

SECTION 4. Tennessee Code Annotated, Section 13-21-204, is amended by deleting the section in its entirety and by substituting instead the following:

(a) For purposes of this section:

(1) As used in this subsection,

(A) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

(B) "Litter" means overgrown plant life including, but not limited to, trees, vines, grasses, and underbrush or the accumulation of debris, trash, garbage, or any combination of the preceding elements.

(C) "Vacant property" means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(b) A municipality may acquire by eminent domain pursuant to title 29, chapters 16 and 17, any property determined to be blighted or deteriorated pursuant to this part, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial, industrial and related use, pursuant to the provisions of this part.

(c)

(1) A community organization shall be entitled to petition a municipality acquiring vacant property pursuant to subsection (b) in order to enter upon such vacant property to remove litter from such property.

(2) Upon the filing of such a petition, the municipality is authorized to contract with such community organization for such purposes. The contract shall provide for the manner in which the community organization shall be compensated for remedying the conditions pursuant to such contract.

(A) Any municipality that contracts with a community organization for such purposes shall be absolutely immune from any liability to any and all persons and for damage to the vacant property for conditions remedied by the community organization. No monetary liability and no cause of action of any nature shall arise against the municipality for acts of omission or commission of such community organization for conditions remedied pursuant to such contract.

(B) The community organization may coordinate with the department of correction to utilize inmates for removing litter from vacant property as part of a volunteer inmate work program as described in § 4-6-201 or a similar department of correction program. If the community organization utilizes inmates pursuant to this subdivision, then the community organization shall not be held liable for any damage to the vacant property or for any injury incurred by inmates arising from the removal of litter.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.